

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Taneshia Laverne Middleton,)	C/A No. 8:15-cv-00299-BHH-JDA
)	
Plaintiff,)	
)	
v.)	<u>OPINION AND ORDER</u>
)	
Carolyn W. Colvin,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	

This matter is before the Court for review of the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. 636(b)(1)(B) and Local Civil Rule 73.02 for the District of South Carolina. The plaintiff Taneshia Laverne Middleton (“the plaintiff”), brought this action seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying her claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”).

On September 10, 2015, the Magistrate Judge issued a Report and Recommendation in which she recommended that the Commissioner’s Motion to Dismiss (ECF No. 27) be denied. (ECF No. 35.) On September 23, 2015, the Commissioner filed a “Notice of Not Filing Objections to the Report and Recommendation of Magistrate Judge.” (ECF No. 37.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part,

the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005).

The Court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The Court adopts the Report and Recommendation and incorporates it herein by reference. The Commissioner’s Motion to Dismiss (ECF No. 27) is DENIED. Plaintiff shall file her brief within thirty (30) days of the date of this Order.

IT IS SO ORDERED.

s/Bruce Howe Hendricks
United States District Judge

October 8, 2015
Greenville, South Carolina